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January 26, 2021

VIA ELECTRONIC COURT FILING

Hon. William J. Martini, U.S.D.J.
U.S. District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

RE: *Wyckoff Properties, LP, et al. v. Selective Insurance Company, et al.*
U.S.D.C., D.N.J., No. 2:21-cv-00238-WJM-MF

**JOINT REQUEST TO ENTER CONSENT ORDER DISMISSING CLAIMS BY ALL
PLAINTIFFS (EXCEPT TASTE BUDS) AS AGAINST DEFENDANT, AMERICAN
ZURICH INSURANCE COMPANY**

Dear Judge Martini:

My office represents Defendant, American Zurich Insurance Company (“Zurich”), in the above-referenced insurance-coverage action, recently removed from the Superior Court of New Jersey, Bergen County (No. BER-L-007036-20).

According to the complaint (ECF 1, pp. 9–27), seven restaurants seek insurance coverage from four insurance companies, including Zurich, for business-income losses the restaurants allegedly sustained as a result of SARS-CoV-2 virus-related governmental orders affecting the restaurants’ operations. The complaint is phrased as “the Restaurants” versus “the Insurers.” ECF 1, pp. 9–10. However, as the complaint alleges, the only plaintiff that has an insurance policy issued by Zurich is Taste Buds LLC d/b/a The Mason Jar (“Taste Buds”). ECF 1, p. 14, ¶ 38.

Attorney Francis Crotty, who represents Taste Buds and the six other restaurants, has confirmed that only Taste Buds is making claims against Zurich based on the insurance policy that Zurich issued to Taste Buds. The other six restaurants, Mr. Crotty confirmed, are not making any claims against Zurich because they do not have a Zurich insurance policy.



To improve the clarity of the complaint, and to avoid any motion practice, we enclose with this letter a proposed Consent Order, as agreed by Plaintiffs, that dismisses all claims made by the other six restaurants (not Taste Buds) as against Zurich, for the Court's consideration. Respectfully, we request that the Court enter the Consent Order.

Very truly yours,

s/ Timothy A. Carroll

Enclosure (proposed Consent Order)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WYCKOFF PROPERTIES, LP, D/B/A
ALDO'S PANE & VINO, *et al.*,

Plaintiffs,

v.

SELECTIVE INSURANCE COMPANY, *et*
al.,

Defendants.

Civil Action No. 2:21-cv-00238-WJM-MF

CONSENT ORDER

Upon review of the joint request by Plaintiffs and Defendant, American Zurich Insurance Company ("Zurich"), and based on the agreement of Plaintiffs and Zurich,

IT IS this _____ day of _____, 2021,

ORDERED that all claims made by Plaintiffs, Wyckoff Properties, LP, d/b/a Aldo's Pane & Vino, Wyckoff Inn Ltd d/b/a The Brick House, Cenzino Ristorante, d/b/a Cenzino's, Elan Caterers LLC, Que Pasta LLC, and The Franklin Lakes Country Café LLC, as against Zurich, are hereby **DISMISSED WITH PREJUDICE**.

BY THE COURT

Hon. William J. Martini, U.S.D.J.